

Thurman King v. City of Rockford, et al.

U.S.D.C. Western District of Michigan Case No. 1:21-cv-259

Honorable Jane M. Beckering

Plaintiff's Response in Opposition to Defendants' Motion for Summary Judgment

Exhibit 13

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

THURMAN KING,

Plaintiff,

vs

Case No.: 1:21-cv-00259

CITY OF ROCKFORD, ROCKFORD
DEPARTMENT OF PUBLIC SAFETY,
OFFICER ZACHARY ABBATE, and
OFFICER JASON BRADLEY,

HON. PAUL L. MALONEY
MAG. JUDGE SALLY J. BERENS

Defendants. /

DEPOSITION OF DAVID MONTERUSSO,
TAKEN VIA ZOOM

Taken by the Defendant on Monday, the 3rd of January,
2022, at 11:30 a.m., via Zoom in Michigan, before Marjorie A.
Covey, CSR-2616, Certified Shorthand Reporter, Registered
Professional Reporter, and notary public.

1 (indicating). I don't really remember what the gesturing
2 was.

3 But I believe the narration to my wife was that,
4 you know, that the conversation very quickly was escalating.

5 Q. You could tell that the conversation was escalating --

6 A. Well, you know, when humans start to get worked up, they move
7 their hands, talk with their hands (indicating). So it
8 appeared both parties were both starting to talk to each
9 other with their hands a little bit.

10 Q. Now there has been testimony that the officer was telling --
11 was directing Mr. King to stop, as Mr. King was continuing to
12 walk down the driveway. Did you see anything that would
13 suggest that Mr. King was attempting to walk past the
14 officer?

15 MR. DREW: Objection --

16 THE WITNESS: Absolutely not.

17 MR. DREW: Wait a minute, sir.

18 Objection as to compound question. First of all,
19 he said he couldn't hear what was said, so your saying there
20 has been testimony about that is suggesting an answer.

21 And it's a compound question.

22 MR. CALLAHAN: Okay.

23 BY MR. CALLAHAN:

24 Q. Mr. Monterusso, can you answer, please?

25 A. Yeah, I just want to make sure that I'm allowed to answer

1 this. Everything is okay here?

2 MR. DREW: Yes. A lot of times we will object for
3 the record, but there is no judge to rule on it.

4 THE WITNESS: Okay, I recall him saying that now.
5 Right, okay.

6 So from the way I remember it, the way I narrated
7 it to my wife, at no point did I see Thurman as walking away
8 from that police officer.

9 BY MR. CALLAHAN:

10 Q. How long were you watching the interaction between Mr. King
11 and the officer before the officer laid hands on Mr. King?

12 A. So, I would say 30 seconds. I don't recall for sure. My
13 adrenaline was going. I was -- I just felt like what I was
14 watching was wrong. So it's hard -- I was shaking. I was
15 upset.

16 So it felt like 30 seconds. I don't know.
17 Obviously there is now dash cam footage so --

18 Q. What was it that was making you nervous or upset from
19 watching this? This was before hands were laid on Mr. King,
20 correct?

21 A. No. Well, my emotions started going the second he grabbed
22 Thurman's arm. At that moment, I just -- I felt there was --
23 I didn't know what had happened to that point, but regardless
24 of what had happened, I didn't feel that there was any
25 de-escalation attempted, you know. Within 30 seconds my

CERTIFICATION OF COURT REPORTER AND NOTARY PUBLIC

STATE OF MICHIGAN)

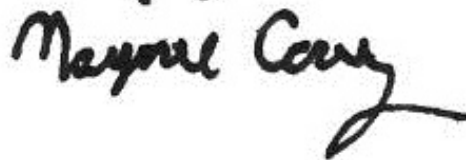
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COUNTY OF OTTAWA)

I certify that this transcript, consisting of 33 pages, is a complete, true and correct record of the testimony of DAVID MONTERUSSO held in this case on January 3, 2022.

I also certify that prior to taking this deposition DAVID MONTERUSSO was duly sworn to tell the truth.

DATE: January 10, 2022



MARJORIE A. COVEY, RPR
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Oregon License 20-0468
Illinois License 084-004911

Notary Public Expires: October 14, 2027, Ottawa County, Michigan/Acting in the State of Michigan